Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

NO. 75-46

ROUNDHOUSE CONSTRUCTION CORPORATION,
Petitioner

vs.

TELESCO MASONS SUPPLIES CO., ET ALS

OPPOSITION TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CONNECTICUT

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Respondent, Richard and Bonnie Fischer, oppose granting of Petitioner's writ of certiorari on the grounds that the question presented is moot.

1. The opinion of the trial court states "The instant matter is a clear case where the state statute is violative of the due process of the clause of the constitutions of the United States **and the State of Connecticut**" (Petition, Appendix B, page 25a; emphasis added).

2. The Supreme Court of the State of Connecticut in the opinion from which the present writ is sought affirmed the decision of the Superior Court and noted that the decisive issue was whether or not the statutory procedure in Connecticut is unconstitutional "because it does not comply with the due process of law requirements of the fourteenth amendment to the federal constitution **and Article first, Sec. 10 of the Connecticut Constitution** (Petition, Appendix A, page 3a; emphasis added).

Petitioner in his brief states that the Supreme Court of the State of Connecticut held the Connecticut mechanics' lien statute unconstitutional in that they violated the due process clause of "**both the State of Connecticut** and the 14th amendment to the United States Constitution" (Petition, page 3; emphasis added).

No matter what decision the Supreme Court of the United States may make, it cannot reverse the decision of the Supreme Court of Connecticut in finding the Connecticut mechanics' lien statute invalid under the Connecticut Constitution.

Therefore the question raised in the Petition is moot and Petitioner's writ of certiorari ought to be dismissed. See **Aikens v. California**, 406 U.S. 813 (1972), **Smith v. Jennings**, 206 U.S. 276 (1907).

Respectfully submitted,

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